

Zoning Ordinance Technical Review Memo

St. Croix County, Wisconsin

Submitted by: White & Smith, LLC and MSA Professional Services, Inc.

February 8, 2018

Draft: For Discussion Only

Contents

Introduction	1
Format and Structure.....	3
Ordinance Structure.....	3
Zoning Districts and Standards	11
General Structure.....	11
AG-1/AG-2 Agricultural	14
Residence	15
Rural Residential	16
Commercial & Restricted Commercial.....	18
Conservancy	20
Industrial	20
New Districts	21
Development Standards	22
Introduction	22
Access.....	22
Lot Development and Design.....	23
Processes & Administration	25
General Recommendations	26
Conditional Use Permits	27
Use Regulations	29
General Considerations.....	29
Accessory Structures & Uses.....	29
Agricultural Entertainment	30
Animals.....	33

Biogas	35
Concentrated Animal Feeding Operations (CAFOs).....	36
Conservation Design	37
Frac Sand Mines	38
Home Occupations.....	39
Housing	40
Nonmetallic mining.....	41
Short-Term Rentals	42
Additional Use Standards.....	43
Conclusion	44
Appendix A: Annotated Outline.....	45
General Principles	45
Draft Outline	46

Zoning Ordinance Technical Review Memo

St. Croix County, Wisconsin

Introduction

St. Croix County has initiated this project to comprehensively update its Zoning Ordinance, codified as Chapter 17 of the St. Croix County Code of Ordinances. The Zoning Ordinance implements the St. Croix County, Wisconsin 2012-2035 *Comprehensive Plan* (the “Comprehensive Plan”). The Zoning Ordinance divides the County into 8 districts, within which it regulates the use, bulk, location, and other aspects of development. The County has 35 local units of government including 4 cities, 10 villages, and 21 towns. Under Wisconsin law, cities and villages maintain their own zoning regulations. In Wisconsin, towns may accept County zoning or enact their own zoning regulations under village powers. In St. Croix County, 17 of the towns have accepted County zoning, 3 (Forest, Hudson and Troy) maintain their own zoning regulations, and 1 (Cady) has no zoning.

Table 1 County and Municipal Plans, Zoning and Subdivision Regulations

Community	Comprehensive Plan	Zoning (■ = County zoning)	Subdivision Ordinance
St. Croix County	○	○	○
Glenwood City	○	○	○
Hudson (county seat)	○	○	○
New Richmond	○	○	○
River Falls	○	○	○
Baldwin	○	○	○
Deer Park	○	○	○
Hammond	○	○	○
North Hudson	○	○	○
Roberts	○	○	○
Somerset	○	○	○
Spring Valley	○	○	○
Star Prairie	○	○	○
Wilson	○	○	○
Woodville	○	○	○
Baldwin	○	■	○
Cady	○	--	○
Cylon	○	■	○
Eau Galle	○	■	○
Emerald	○	■	○
Erin Prairie	○	■	○

Community	Comprehensive Plan	Zoning (■ = County zoning)	Subdivision Ordinance
Forest	○	○	○
Glenwood	□	■	□
Hammond	○	■	○
Hudson	○	○	○
Kinnickinnic	○	■	○
Pleasant Valley	○	■	○
Richmond	○	■	○
Rush River	○	■	○
Somerset	○	■	○
Springfield	□	■	□
St. Joseph	○	■	○
Stanton	○	■	○
Star Prairie	○	■	○
Troy	○	○	○
Warren	○	■	○

Source: St. Croix County Comprehensive Plan, at 7-50, updated by author.

This process kicked off on August 21, 2017 with a series of meetings with County staff, public stakeholders, applicants and development professionals, and a special task force. The County staff and consultant team met with the St. Croix County Community Development Committee (CDC), conducted conference calls with County staff, participated in a Kaizen event to evaluate and improve permitting processes, and conducted an initial round of meetings with representatives from the towns to discuss their interests. We have also received additional comments from public stakeholders. The County code of ordinances and zoning maps have also been placed on a website that allows enhanced digital access (<http://online.encodeplus.com/regs/stcroixcounty-wi/>).

This memorandum summarizes our initial review of the County's zoning regulations, along with input we received on how to revise them. This includes an assessment of the structure, organization, clarity, ease of use, existing zoning districts and standards, regulations of general applicability, definitions and administration and enforcement provisions of the zoning ordinance. This analysis will specifically address:

- Integration of Chapter 11 Animal Waste Storage Facilities, Chapter 12 Sanitary, Chapter 13 Land Division, Chapter 14 Nonmetallic Mining, Chapter 17, and Chapter 21 Municipal Solid Waste; and
- Comparison of the current zoning map to the comprehensive plan land use maps.

Format and Structure

Ordinance Structure

Introduction

The 266-page St. Croix County Zoning Ordinance (the “Zoning Ordinance”) is currently codified as Chapter 17 of the St. Croix County Code of Ordinances (the “County Code”). The ordinance is organized into 8 “subchapters” and 46 sections. While sections are organized as part of subchapters, two subchapters have no sections and appear to relate to the prior subchapter (IV Floodplain Overlay and 17.40, Floodplain Overlay and VI Highway Setback), and two sections are not codified as part of a subchapter (17.50 St. Croix County Mobile Tower Siting and 17.65 Sign Regulation). The zoning ordinance was originally adopted in 1968, and has been amended in piecemeal fashion over time. The ordinance is organized into 8 titled subchapters, with each subchapter divided into individually numbered subsections:

- The ordinance begins in Subchapter I with introductory sections dealing with legal boilerplate (such as severability), definitions, and material about the relationship to town ordinances and powers.
- The next 3 subchapters establish the district regulations. Subchapter II establishes the “base” district regulations that encompass all of the county’s zoned territory, while Subchapter III establishes the Shoreland and Lower St. Croix Riverway overlay regulations, and Subchapter IV establishes the floodplain overlay regulations.
- Subchapter VII bundles administrative processes, agency and official authority, and enforcement. Agency authority includes the Zoning Administrator and the Board of Adjustment. Processes include land use permits (not called out by name, but described in § 17.70 (3), variances, appeals, conditional use permits, and zoning ordinance amendments (including rezonings)). The rules protecting and limiting nonconformities are buried in this chapter (§ 17.70 (4)).
- The remaining subchapters address a potpourri of issues, including regulations specific to individual uses and development standards. Two of the sections regulating individual uses (17.50 [Mobile Tower Siting] and 17.65 [Signs]) stand alone and are not codified as part of a subchapter. Subchapters V (Parking) and VI (Highway Setbacks) address specific development standards.

I General Provisions

- 1 17.01 Introduction and Declaration
- 2 17.02 Compliance
- 3 17.03 Interpretation
- 4 17.04 Severability
- 5 17.05 Abrogation and Greater Restrictions
- 6 17.06 Relationship to Town Ordinances and Powers

- 7 17.07 Effective Date
- 8 17.08 Determination of District Boundaries
- 9 17.09 Definitions

II General Zoning

- 10 17.10 Introduction and Explanation
- 11 17.11 Districts
- 12 17.12 General Provisions
- 13 17.13 Residence District
- 14 17.14 AG-1 Agricultural District
- 15 17.145 AG-2 Agricultural District
- 16 17.15 Rural Residential District
- 17 17.155 Home Occupations Overlay District
- 18 17.16 Conservancy District
- 19 17.17 Restricted Commercial District
- 20 17.18 Commercial District
- 21 17.19 Industrial District
- 22 17.20 Adult Entertainment Overlay District
- 23 17.21 Conservation Design Development Overlay District

III Shoreland Overlay

- 24 17.30, St. Croix County Shoreland Overlay Districts
- 25 17.36 Lower St. Croix Riverway Overlay District

IV Floodplain Overlay

- 26 17.40 St. Croix County Floodplain Overlay District

--

- 27 17.50 St. Croix County Mobile Tower Siting

V Parking

- 28 17.55 Introduction and Explanation
- 29 17.56 General Rules
- 30 17.57 Required Off-Street Parking Spaces for Specified Uses

VI Highway Setback

- 31 17.60 Road or Highway Setbacks, Access & Driveways

--

- 32 17.65 Sign Regulation

VII Administration

- 33 17.70 Administration
- 34 17.71 Enforcement and Penalties
- 35 17.72 Amendments

VIII Wireless Communication & Other Transmission Facilities

36	17.80 Purpose
37	17.81 Definitions
38	17.82 Applicability
39	17.83 General Requirements
40	17.84 Prohibitions
41	17.85 District Requirements
42	17.86 Performance Standards
43	17.87 Permit Requirements
44	17.88 Biennial Report
45	17.89 Safety Inspection
46	17.90 Enforcement and Penalties

The Zoning Ordinance is codified as Chapter 17 of the County Code of Ordinances. Chapter 17 is part of a series of chapters in the code of ordinances informally referred to as “Land Use.” These include five additional chapters that regulate specific, intensive uses (including Animal Waste Storage Facilities [Chapter 11], Nonmetallic Mining [Chapter 14], and Municipal Solid Waste Reduction, Recovery and Recycling [Chapter 21]). Chapter 13 (Land Division) addresses subdivision plat approval, and Chapter 12 (Sanitary) addresses wastewater treatment and septic systems. While this project does not involve any revisions outside of Chapter 17, they include substantive and procedural matters that require integration with the zoning ordinance. For example, both Chapter 11 and the zoning ordinance define and regulate “animal waste storage structures” and “animal waste storage facilities.” While Chapter 11 deals with state and local environmental permitting and operations of animal waste storage facilities, the zoning ordinance establishes setbacks in the districts where they are permitted. Likewise, a new development may require both subdivision plat approval under Chapter 13 and a rezoning or land use permit under the zoning ordinance. In addition, some provisions of the subdivision regulations, such as conservation design, are defined as permitted activities in the zoning ordinance.

Issues

The ordinance has several glaring readability, usability, and organizational issues:

- 1. Little structure.** The ordinance lacks a coherent structure, lacking a logical organization or any background discussion (such as an executive summary) that tells a reader how to find the information they need. It is good practice to codify the zoning district regulations early in the ordinance as is done here, but the balance of the ordinance is an uncoordinated potpourri of development standards and processes.
- 2. No introduction.** The Zoning Ordinance lacks any introductory material that tells the reader how the document is organized, how to find information, or even why it exists. The ordinance should include an Executive Summary that tells readers how to find information in Chapter 17, and a very brief introduction. The introduction would introduce the reader to zoning, and point the reader to the County zoning enabling legislation and the Comprehensive Plan. As it presently stands, the first subchapter is a

27-page, single-spaced narrative that includes everything from the Chapter's overall purpose to legal boilerplate (such as the severability clause) to definitions. This introduction should include only 1-2 pages that set the stage for the rest of the document.

3. **Topics are scattered.** Regulations for uses such as mobile towers and cell towers are codified in separate sections and subchapters. Key development standards are divided between the zoning district regulations and subchapters devoted to general development standards. This makes information difficult for users to find.
4. **The most frequently used information is buried.** Important provisions are buried in sections where the reader would not expect to find them. For example, the first chapter is devoted principally to rules of interpretation and legal boilerplate. Most readers – including the general public and applicants – are primarily interested in the uses and development potential allowed by the zoning districts. This information does not appear until 44 pages into the document. Nonconformities are placed in Subchapter VII related to processes. In addition, some definitions include substantive standards or restrictions. For example, the definition of “outlot” prohibits their development for “any use or structure that requires a private, on-site wastewater treatment system.” Readers who are looking for development standards do not typically think to look for them in the definitions.
5. **Definitions, rules of interpretation, and legal boilerplate should move to the rear of the document.** Most books do not lead with a glossary. Instead, the glossary appears at the end of the document. This allows users to look up technical terms and phrases when needed, but does not clutter the body of the ordinance with technical information. At present, the definitions appear at the beginning of the ordinance.
6. **Dense, legalistic language.** The ordinance language is very dense, consistent with older code drafting practices. The ordinance is filled with long sentences and paragraphs that are difficult to read and often hide the information the reader is looking for. The recommendations below include an example, along with a way to rewrite the language so that it makes more sense to the casual user and applicants alike.
7. **Redundancies.** The language is often redundant, with standards for uses repeated from section to section. The ordinance language is often internally redundant, adding unnecessarily to ordinance length.
 - For example, paragraph 2 of the AG-2 district regulations (§ 17.145.A.2) provides: “Examples of uses in the AG-2 District include, but are not limited to, agricultural support services, value-added or related businesses such as implement dealers, veterinary clinics, farm machinery repair shops, agricultural sales facilities, marketing, storage and distribution centers, plant and tree nurseries and facilities for the processing of natural agricultural products or by-products, including fruits, vegetables, silage or animal proteins. Such activities are characterized by: (1) Wholesale or retail sales and outdoor storage/display of agriculture-related equipment, inputs and products; (2) The use of parking areas, outdoor lighting and signage appropriate to the scale of the use; (3) Small, medium or large utilitarian structures, facilities or workshops, appropriate to the scale of the use; (4) Low to moderate traffic volumes; and (5) Noises, odor, dust

or other potential nuisances associated with agriculture-related production or processing.”

- This language is followed on the next page by the 6 permitted and 7 conditional uses in AG-2.
 - In addition, in AG-1 both the standards for density under uses permitted by right (§ 17.14.B.11) and the maximum density standards (17.14.F.2) include the same density restriction language. This repeats a difficult-to-follow paragraph twice, adding nearly a half-page of redundant text.
- 8. Cross-references.** While some level of cross-referencing is unavoidable, readers must constantly flip back and forth in the ordinance to determine what standards apply. For example, the permitted use listing for AG-2 includes all of the uses listed in AG-1. In addition, the density standards for conservation design development in § 17.21 (6) refer to the corresponding section of Chapter 13. It would be impossible to know how to calculate permitted density on a site without turning to and mastering the density requirements described in Chapter 13.
- 9. Few graphics.** The code contains very few graphics. Only 4 graphics are provided in the entire 266-page document.

Recommendations

A key objective of this project is to make the ordinance more user-friendly. A user-friendly Zoning Ordinance has several key attributes:

1. Information is organized logically, and
2. The regulations are communicated in a way that makes sense to people who use them (including administrators, applicants, and the general public), and
3. The regulations are easily accessible – both in printed copy and online.

In our experience, several principles apply to organizing an ordinance to make it user-friendly. The recommendations below focus on how the regulations are organized (#1 above) and how they read (#2 above). The County has retained **enCodePlus™** to display the Zoning Ordinance online, which enables easy online access and the ability to print a fully formatted document. Therefore, this report does not address topic #3 as it is covered by the **enCodePlus™** product.

The regulation should be as simple as possible, but also thorough. For example, while the permitted use lists in the zoning district regulations are lengthy they typically deal with only a handful of uses. This means the regulations are silent about where unlisted uses belong, or how they are permitted. A use table can fill in these details, organizing the uses logically but not leaving out important details. This is described in Use Regulations below.

1. Topics should organize logically.
 - a. Similar subjects are arranged together by chapter – e.g., procedures, improvement standards, nonconformities – rather than scattered throughout the ordinance, to the extent possible. General topics include zoning districts,

development standards, processes, nonconformities, enforcement, and definitions. The zoning district regulation should be placed near the front of the document (as is done at present) because all users are interested in them.

Agency establishment and authority, definitions, and technical materials belong near the back of the document.

- b. Organize the code by general topic, with the more commonly used provisions upfront and technical material near the back.
 - c. While it is not interesting reading, dry, technical information (e.g., application submittal requirements) is needed to provide effective standards and guidance for applicants and permitting officials. These items - such as definitions, submittal requirements, and fees - should be placed in to the rear of the code.
 - Appendix A: Annotated Outline presents an outline with the correspondence table to the existing code provisions that reorganizes zoning ordinance.
2. **Introductory material.** An executive summary with a roadmap of the ordinance, frequently asked questions, and links or tags to related materials would assist readers in understanding the document, and how to find the information they need.
3. **Numbering.** The document should have **coherent subdivisions**. This requires articles, sections, and subsections that are internally consistent, and logical headings. This allows readers to find the information they need, and for code users to easily cite sections where needed for staff reports, communications to applicants and public decision makers, and enforcement.
4. **Selective cross-references.** The ordinance does include many references to state legislation or state administrative regulations. This helps the reader by referring to statutory or administrative requirements that would be impractical to repeat in their entirety in the ordinance. It would assist the reader to have a summary or link to those provisions. With the new **enCodePlus™** tool online, it will now be possible to hyperlink directly to those provisions. The Zoning Ordinance will balance the use of cross-references (as opposed to repeating standards throughout) with the goal of keeping like materials together. This reduces text length and also, for state statutes, minimizes the potential for inconsistencies when the statutes are amended. However, it does require the reader to consult multiple sections of the ordinance or multiple documents.
5. **Use Tables.** Consolidate long, repetitive lists of standards into matrices; these will minimize the length of the ordinance. They also allow the reader to compare information, and minimize the need for cross-references.
6. **Graphics that illustrate the text language.** Add graphics to illustrate development standards wherever possible. This may include a combination of pictures illustrating purpose statements or uses, 3D SketchUp drawings that illustrate zoning district standards, and plan view illustrations to show setbacks, streets, and similar elements. Graphics can be very time-consuming to produce, so we typically save most graphics for the final document. Photo-editing technology can use local examples to illustrate how a design standard works or what a particular use looks like. Note that graphics also add to the length of the ordinance, while this will slightly expand the page count, it makes the code easier to read and understand.

7. **Expanded purpose statements.** The zoning district regulations include purpose statements, but many of the development standards do not. Purpose statements include legislative findings and explain to readers why the regulations exist. This can help zoning administrators explain the regulations to applicants or members of the general public. It is important to keep in mind that purpose statements are not standards. They should be set off with italics, and perhaps an icon. The purpose statements can also tie back to the comprehensive plan. In fact, for many of the purpose statements that exist today, comprehensive plan references can replace some of the lengthy text.
8. **Writing style.** Use the active voice, short sentences, and lists whenever possible. The current Zoning Ordinance is currently text-heavy, and much of the text is dense and legalistic. Most people find this writing style difficult to understand. A more concise, and even informal, writing style improves clarity for all readers.
9. **Running headers.** For printed documents or PDFs, the current regulations include running headers (i.e., headers that tell the reader which chapter or subchapter they are reading). The running headers should also include the sections and section headings.
10. **White space.** Much of the ordinance text is in single space, jumbled paragraphs and lists with no spacing between paragraphs. This style of document presentation is exhausting for most readers, and makes information difficult to find. The new zoning ordinance will include white space, with spaces between paragraphs, indentation, short and direct sentences, and integrated graphics. While this will slightly expand the page count, it makes the text easier to read and understand.
11. **Focus!** Where possible, reduce discussion of topics addressed in other parts of the County Code of Ordinances, and simply reference those ordinances.
12. **Right sizing.** Standards are “right sized” to regulate only what is needed. This not only reduces volume, but also reduces budget and staffing needs.

Table 2 Example of Rewritten Section

Existing Section	Rewritten
<p>2. Temporary Occupancy Permits. Any other provisions to the contrary notwithstanding, no person shall place, occupy or use a trailer, van, mobile home, recreational vehicle, tent, bus, truck, automobile or similar apparatus for residential purposes, temporary or permanent, on any parcel not having a legal and occupied principal structure other than in areas specifically zoned and approved for such occupancy. However, the owner of a parcel who holds a valid building permit and sanitary permit for construction of a principal structure may apply for and obtain approval by a Land Use Permit, issued by the St. Croix County zoning office, for temporary placement and occupancy of a travel trailer or manufactured home during construction on condition of connecting such unit to the use of a legal sanitary system. The Zoning Office shall send a copy of the Land Use Permit to the town wherein the lot is located. All residential occupancy of the travel trailer or manufactured home shall cease when the principal home is capable of occupancy. Additionally, when the residence becomes occupied, the manufactured home shall be removed from the property. Temporary occupancy shall not exceed one year, unless an extension is granted by the St. Croix County zoning office.</p>	<p>2. Temporary Occupancy.</p> <p>a. Residential Vehicles. The temporary or permanent residential use of a bus, truck, automobile or similar apparatus is allowed if:</p> <ol style="list-style-type: none"> (1) the parcel contains a legal and occupied principal structure, (2) the applicable zoning district allows temporary residences or vehicle residences. <p>b. Temporary Residence. A property owner may occupy a travel trailer or manufactured home during construction if:</p> <ol style="list-style-type: none"> (1) a valid building permit and sanitary permit authorizes construction of a principal structure on the parcel, and (2) the unit is connected to a legal sanitary system. <p>c. Land Use Permit. The activities listed above require a Land Use Permit. The Zoning Administrator shall send a copy of the Land Use Permit to the town where the lot is located.</p> <p>d. Discontinuance. The property owner shall:</p> <ol style="list-style-type: none"> (1) cease occupancy of a temporary residence when the principal home is capable of occupancy, and (2) remove the temporary residence when the principal residence is occupied. <p>e. Duration. Temporary occupancy shall not exceed 1 year, unless the Zoning Administrator grants an extension.</p>
<ul style="list-style-type: none"> - 202 words - No white space - Passive voice 	<ul style="list-style-type: none"> - 170 words (15% fewer words) - Headings - White space - Active voice

Zoning Districts and Standards

General Structure

The Zoning Ordinance currently has 8 “base” districts. This includes 2 state-certified agricultural protection districts (“AG-1,” “AG-2”), 2 residential districts (Residence and Rural Residential), 2 commercial districts (Commercial and Restricted Commercial), 1 industrial district (Industrial), and a Conservancy district that allows natural resource and civic-type uses. Most of the district regulations have the same elements, with the following subsections:

- a purpose statement (some are labeled as such, others are just an introductory paragraph),
- a list of permitted uses,
- a list of conditional uses (these sometimes follow the permitted use list, and sometimes follow the height and yard standards),
- minimum lot area,
- maximum building height, and
- yards (front, side and rear).

The permitted and conditional use lists include a significant amount of text with specific regulations governing the use. This makes the regulations clunky and difficult to read.

In addition to these “base” districts, the County has 3 districts limited to specific uses or activities: Home Occupations Overlay, Adult Entertainment Overlay, and Conservation Design Development Overlay. It is unusual to have districts that are reserved for a single use, and none of these districts have been mapped to date (the standards of the Home Occupations Overlay are routinely used in a conditional use permit format)

Three districts address environmental conditions. The St. Croix County Shoreland Overlay (§ 17.30) and Lower St. Croix Riverway Overlay District (§ 17.36) (the “Riverway District”) implement the Wisconsin Shoreland Protection Program (Wis. Stat. §§ 59.692, 281.31 and NR 115), including land areas along the St. Croix River. Finally, the St. Croix Floodplain Overlay District is codified in District 17.40.

Table 3 Shoreland and Riverway Districts

District	Area or Character
Shoreland districts (§ 17.30)	
Shoreland Overlay	Within 1,000 feet of the Ordinary High Water Mark (OHWM) of navigable lakes, ponds or flowages + Within 300 feet of OHWM of navigable rivers or streams, or landward side of floodplain boundary

Zoning Districts and Standards | *General Structure*

Shoreland-Wetland Overlay	Wetlands 10,000 square feet or greater in size, located within shorelands
Inland-Wetland Overlay	Non-shoreland wetlands \geq 1-acre
Riverway district (§ 17.36)	Designated by legal description in Zoning Ordinance
Rural residential management zone	Scattered, large lot, single-family residences with little commercial development and largely wooded/vegetated
Conservation management	Primarily natural and mostly wooded, with no residential lawns

In addition to permitted and conditional uses, minimum lot area, and building height, these districts include the components listed in Table 4:

Table 4 Summary of Shoreland and Riverway Regulations

	Shoreland	Lower St. Croix Overlay
Prohibited uses	■	■
Soil conservation requirements	■	
Setbacks from navigable waters, wetlands or bluffs	■	■
Erosion control	■	■
Impervious surface limits	■	
Stormwater management plans and performance standards	■	■
Vegetation management and buffer zones	■	■
Structure color		■
Slope preservation		■
Filling and grading	■	■
Riprap controls		■
Use regulations for wireless communication facilities, bed and breakfast, and nature-oriented, educational non-profit facilities		■
Stairway and lift regulations		■
Public and private roads		■
Mitigation for the loss of natural shoreland functions and vegetation resulting from development	■	■
Specific nonconformity and administrative processes (note: the Riverway district includes substandard lot restrictions will require revision pursuant to Act 67, adopted on November 28, 2017)	■	■

Zoning Districts and Standards | *General Structure*

The number of districts is small for a County the size of St. Croix. This is because much of the County's zoning jurisdiction is reserved for agricultural or low-density residential uses, with the municipalities accommodating most mixed use, commercial and industrial uses. The agricultural use districts protect the County's agricultural industries and resources, and offer a partial safeguard against inefficient, sprawling development patterns as the County continues to develop. A recurring comment during the stakeholder outreach process was the need for more districts to:

- Avoid a "one size fits all" approach for urbanizing and rural Towns;
- Provide flexibility for different types of uses;
- Allow a more context specific application of the regulations;
- Address distinctions between developing areas of the County (typically western towns) and areas not facing development pressure , with regard to:
 - Commercial district standards, with paving and design standards that are appropriate to each area, and
 - The need for a wider range of housing types in the western part of the County.
- Address demands for intensive agricultural uses (such as CAFOs) and agritainment; and
- Accommodate market demands by (millennials), who prefer a more urban style of development.

Other comments stressed caution on adding new districts, due to:

- A reluctance to add new districts, noting that A-2 was around for 10 years before they rezoned to it.
- Uncertainty about the amount of growth, and the amount of residential density needed to support commercial.
- Resistance by some towns to apartments, fearing that they will become property maintenance issues.
- There is not much land in the county currently zoned for commercial use. Multi-family demand is coming, but townships need commercial zoning to balance their fiscal impacts.

Recommendations

Our preliminary recommendations on the general structure and layout of the districts are as follows:

- Add a table of uses (and, for the development standards, a correspondence table of parking ratios). We will develop this initially in an Excel spreadsheet to incorporate into the new Zoning Ordinance.
- Expand the list of uses in each district, auditing the uses against the Land Based Classification Standards (LBCS), which is a best-practice resource created by the American Planning Association.

Zoning Districts and Standards |

- Expand the metrics beyond setbacks and building height, addressing lot coverage and impervious surface restrictions.
- Move detailed language relating to use standards into a consolidated “Use Regulations” subchapter. For example, the Residence District has a permitted use listing for “Public parks and playgrounds, including swimming pools, golf courses, tennis courts and picnic grounds” with 7 paragraphs of regulations (including subparagraphs) that continue for over a half a page. As rewritten, the Use Table would simply list “Parks and playgrounds” as a permitted use, with the current regulations moved to the Use Regulations subchapter. Introductory text with the table would explain the need to see that section and provide a link to it. The definitions Subchapter would include a comprehensive definition of “Parks and Playgrounds” that captures the subsidiary uses listed here.

AG-1/AG-2 Agricultural

Introduction

Land Area:		Percent of County	Residential	Minimum
District	Acres	Zoning	Density	Lot Size
AG-1	72,136	20%	1 unit per 40 acres	3 acres
AG-2	16,557	5%	1 unit per 20 acres	3 acres

AG-1 and AG-2, both titled “Agricultural,” are Farmland Preservation Zoning Districts certified under § 91.38, Wis. Stat. The districts have maximum residential density limits, with AG-1 allowing one unit per quarter-quarter ($\frac{1}{4}$ - $\frac{1}{4}$) (i.e., 1 per 40 acres) on minimum 3-acre lots, and AG-2 allowing 1 per 20 acres (with the use listing default to the town and subdivision regulations with no set minimum lot size, and the density and minimum lot area restriction requiring 3 acres).

Issues

The AG-1 and AG-2 districts are both certified as farmland preservation districts under state law, and any attempt to weaken agricultural protections could jeopardize their certification. Given the holding capacity of the existing Rural Residential district, there is no need to increase densities to accommodate housing needs. The agricultural industry is moving away from hog production with most facilities focusing on dairy production, and the County is seeing pressure for agricultural entertainment uses. These issues are discussed under Use Regulations - Agricultural Entertainment on page 30.

Zoning Districts and Standards | *Residence*

Recommendations

- Include additional code language describing the existing process for restricting further subdivision of AG parcels after a residential parcel is divided, and for tracking those restrictions. The same issue applies to and is addressed at greater length in the Rural Residential recommendations.
- Some participants asked whether an additional AG-3 district is needed to accommodate agricultural entertainment activities. We recommend that those activities be allowed in the AG-1, AG-2 and also in the lower-density version of the reconstituted Rural Residential district (see the Rural Residential Recommendations).

Residence

Introduction

Land Area:		Percent of	Residential	
District	Acres	County Zoning	Density	Minimum Lot Size
				12,750 sf lots (sewered)
			No limit, see	1 acre (unsewered)
Residence	225	0.1%	lot sizes	½ acre lots (conservation design)

The Residence District is scattered in western portions of the County, primarily north of Hudson. In addition to single-family, this district allows duplexes as a permitted use. Multi-family uses are conditional, with a density equivalent to the base density for the first two units, and then 3,000 square feet per unit.¹

Issues

Comments during our outreach process suggested that we add multi-family opportunities to protect against lawsuits (for example, violations of the Fair Housing Act) and to establish a density range that more easily transitions from Rural Residential. However, this district does allow multi-family uses, although as a conditional use, and unsewered density is 1 acre, twice that of Rural Residential.

Recommendations

- Consider adding design standards for multi-family uses that require landscaping, building orientation, a list of durable and attractive building

¹ The language actually provides “shall be subject to the provisions of subs. (2) through (5) except that an additional 3,000 sq. ft. of minimum lot area shall be required in sewerer lots for each dwelling unit in excess of 2.” This could be read to state that each additional multi-family unit literally requires an additional 3,000 square feet for each lot – i.e., 12,750 sf for the first two units, and then 15,750 per unit for the third unit above. This does not appear to be the intent here, because it would require lower densities for multi-family units than single-family or duplex.

materials, and entry elements. This may mitigate the perceived impacts of these districts.

- Consider a density standard in lieu of minimum lot size to maximize the preservation of open space.
- Consider renaming to Residential Mixed (RM).

Rural Residential

Introduction

Land Area:		Percent of	Residential	Minimum
District	Acres	County Zoning	Density	Lot Size
Rural Residential	247,064	70%	1 unit per 2 acres	1.5 acres

Rural Residential is by far the most extensively used district in the county, occupying around 70% of the County's zoning jurisdiction. It allows a combination of single-family dwellings on average two acre lots (this standard appears to assume a subdivision) and duplexes as conditional uses. Agricultural uses and livestock facilities not exceeding 1 animal unit per acre or 500 animal units are a permitted use, while those exceeding these thresholds are conditional. A number of intensive commercial and industrial uses are conditional in the district, including quarry and gravel pits, slaughterhouses, junkyards, hot mix plants, and temporary portable ready mix concrete plants.

Issues

- From Task Force: Need to give farming community room to do other enterprises (e.g., selling cheese on dairy farm without rezoning, refurbish barn for dances, rent cabin in fall for people).
- Review and Redo CUP list. Remove items (b) through (l).
- All permitted uses in Rural Residential District – require a Land Use Permit.

Recommendations

- Split RR into two districts: Residential Rural (RR) and Residential Neighborhood (RN).
 - Residential Rural (RR) would allow the same agricultural uses and intensities currently allowed in Rural Residential, including the possibility of CAFO facilities by conditional use permit. Residential density would be reduced, as compared to the current Rural Residential, to a maximum of 1 unit per 10 acres (while still allowing small lots, down to a 3-acre minimum). This district would be intended for scattered housing only, not rural neighborhoods; subdivisions creating more than 5 parcels would not be permitted.
 - Residential Neighborhood (RN) would allow the same residential densities currently allowed in Rural Residential. Agricultural uses would be further restricted, as compared to the current Rural Residential, to further limit livestock facilities, manure pits, and other facilities that generate objectionable noise or odors that conflict with residential use.

- We recommend no default designation from the current Rural Residential zoning – towns will need to actively select one of these districts for each parcel currently zoned Rural Residential.
 - Naming the lower-density version Residential Rural, rather than AG-3, gives the County more control over livestock siting under the livestock siting law (Wis. Stat. § 93.90)
- Continue to regulate by density rather than minimum lot size in these districts. As noted above, the tentative recommendation is 1:2 acres in RN (same as the current RR), and 1:10 acres in RR. This encourages smaller lot sizes, which allow more of the development site to be protected as open space, resource protection or agricultural land. It also allows the units to be clustered with less land needed for infrastructure. The property owner can protect the remainder of the site (i.e., the area not within lots) through a homeowners association, transfer to a land trust or public agency, or a conservation easement. Further, we recommend maintaining a 3-acre minimum lot size in Residential Rural, but removing the minimum lot size in Residential Neighborhood, instead relying on functional characteristics (slopes, wetlands, setbacks, septic field area needs) to determine lot size.
- The County staff expressed a concern that a density-based regulation include a tracking (and notification?) system to ensure the remainder is not sold and subsequently developed in a way that would cause the overall development site to exceed the maximum density. (Note that the AG-1 district already has a “quarter-quarter” zoning density restriction that requires tracking of the remainder parcel). The County can require any combination of the following mechanisms to track the remainder parcel’s density:
 - Applicants who split lots from the parent parcel would file a certification as to the use and density restrictions that apply to the remainder parcel. This would be recorded in the land records, and the zoning ordinance would require all applicants to include any remainder parcel certification with the land use permit.
 - The Community Development Department would use a tracking system (Excel spreadsheet or specialized software) that flags the remainder parcel when subsequent applications are filed. The tracking system does not require codification.
 - The property owner would be required to record the remainder parcel with the remaining density noted. This becomes part of property’s chain of title, and puts subsequent purchasers on notice of the development potential (if any) remaining for the property.
 - Regardless of how the County chooses to protect and track the remainder parcel, the application checklist would include a requirement to provide the development restrictions.
- “Mobile home parks” (referred to in the industry as “land lease communities”) are allowed subject to “§ 17.35 (3) (f),” which appears to be an errant reference to § 17.30 H. 2. i. of the Shoreland Overlay District with a maximum parcel size of 10 acres and a maximum density of 10 homes per acre. This appears to allow mobile home parks throughout the Rural Residential District. This should be revised with a technical

correction in distinction between “manufactured” homes (i.e. those built under the HUD code) and “mobile” homes not built under the HUD code, and typically before 1974. The County should consider allowing such housing units only on separate parcels and on permanent foundations, consistent with various town plans. It should also consider whether the density should remain at 10 units per acre or something closer to the revised RR and RN districts, and subject to open space standards similar to what the new code would require for conservation design.

Commercial & Restricted Commercial

Introduction

Land Area:		Percent of
District	Acres	County Zoning
Commercial	1,179	0.3%
Restricted Commercial	0	0%

The Commercial District allows 8 permitted uses and 29 conditional uses. Retail uses less than 2,500 square feet are permitted by right, with higher square footage requiring a conditional use permit. It requires a minimum pavement width of 24 feet (presumably, for parking drives) and 15% landscaping. The Board of Adjustment may modify the road standards. The parking standards (§ 17.56 (7)) require a “dust free surface” for all parking spaces in commercial districts.

The Restricted Commercial District has never been used. It lists 6 permitted and 2 conditional uses, has no minimum lot size and minimal side and rear yard requirements. Access is restricted to two points on a Class A Highway. The purpose statement describes the district as a “unified and arcaded shopping center,” but there are no standards describing what this means or that would achieve any level of design.

Issues

Concerns expressed during our public outreach include:

- The absence of junk standards, resulting in some contractors yards becoming nuisance and enforcement issues.
- Whether the list of Conditional Uses in the Commercial Zoning District is too large. It includes some uses more appropriate in villages or cities with public sewer and water such as car washes and laundry facilities. Consider moving some of these uses to the new Use Regulations chapter, with conditions, instead of listing them as conditional uses.
- The Commercial District purpose statement seems to suggest a different list of uses, including residential uses (“This district also protects those locations in which a variety of compatible commercial uses may be located. Within this district most residential development and manufacturing and industrial enterprises are not allowed in the interest of furthering the livelihood of the

permitted retail commercial uses and protecting uses from the effects of incompatibility.”) (§ 17.18 (1) c.)

Recommendations

Consider the following changes to the Commercial District:

- Break the existing Commercial District into three districts: Commercial Highway (CH), Commercial Rural (CR) and Commercial Hamlet (CHM).
 - Commercial Highway (CH) would be used primarily in locations with greater visibility, greater traffic and customer traffic potential, and greater public concern for the quality and appearance of site improvements. It could:
 - Maintain the landscaping and paving standards as compared to the current Commercial District
 - Add building design standards with minimum requirements for building articulation, fenestration (windows) and materials, with a primary focus on street-facing facades.
 - The maximum building size would increase from 2,500 square feet for by right uses to something more economically realistic, such as 10,000, 15,000 or 20,000 square feet.
 - Conditional use standards for larger buildings could tie into conservation standards consistent with the Comprehensive Plan policies.
 - Commercial Rural (CR) would be used primarily in locations with lesser visibility, lesser traffic, and lesser public concern for the appearance of site improvements. It could:
 - Reduce landscaping requirements, except in situations where landscaping is required to mitigate an objectionable view from adjacent or nearby homes or commercial uses
 - Reduce paving requirements, The criteria to require paving could be some combination of building size, trip generation, likely vehicle type to be accommodated (e.g. heavy truck traffic), use type, and/or proximity to a residential structure.
 - Commercial Hamlet (CHM) would be used primarily in rural, mixed-use developments (hamlets). It could:
 - Require basic paving, landscaping and building design standards consistent with existing hamlets in the County (e.g. Boardman, Burkhardt)
 - Allow upper-story residential use, up to a density of 10-15 units per acre
 - Allow smaller front yard setbacks in some situations, and consider a maximum setback to minimize front yard parking
- We recommend no default designation from the current Commercial zoning – towns will need to actively select one of these districts for each parcel currently zoned Commercial.

Conservancy

Introduction

Land Area:		Percent of
District	Acres	County Zoning
Conservancy	13,831	3.9%

The Conservancy District is established for resource protection purposes, with uses such as grazing, forest management, wildlife preservation areas, and hiking and biking trails listed as permitted uses. Four of the 6 conditional uses are really development activities, such as filling wetlands, relocating watercourses, removing topsoil and cultivating crops.

Issues

This district is designed to protect resource conservation type uses, but has no meaningful standards.

Recommendations

- Consider adding an impervious surface limit in land disturbance ratio of 10 to 15% to protect water resources and steep slopes. This would only apply outside the shoreland overlay district.
- Reclassify "cultivation of agricultural" to a permitted use with a conservation plan. With the recent changes to state law, this actually provides more meaningful protection than a conditional use permit.
- Consider allowing seasonal rustic shelter facilities and hunting facilities subject to a conservation plan, no allowance for sewer or water (in order to keep the use temporary), but with compost toilets or similar facility suitable for temporary outdoor uses.
- A suggestion was made to list driveways and parking areas as a permitted use. This will be dealt with in the use regulations as an accessory use to designated development activities. Any driveways or parking areas would be very limited, with pervious surfaces incentivized and only accessory to uses that require some level of human activity.

Industrial

Introduction

Land Area:		Percent of
District	Acres	County Zoning
Industrial	295	0.1%

Zoning Districts and Standards | *New Districts*

As with the Commercial District, this district barely registers as a percent of the County's zoning jurisdiction. It has paving and landscaping regulations similar to the Commercial District. The district includes a mix of light industry, warehousing and heavy industrial uses.

Issues

Industrial districts allow for employment and economic growth, but can create nuisance impacts and displace agricultural land. The current one-size-fits-all category does not embrace key differences in the various industrial activities, and such as resource extraction (i.e. nonmetallic mining) and light industry.

Recommendations

- As with commercial, this may be an opportunity to break this district into a light industrial and a heavy industrial use category.
 - Light industrial would include true light industrial uses, such as research and development and similar uses. It would include landscaping and building design standards.
 - Heavy industrial would include production type facilities, junkyards, and nonmetallic mining.

New Districts

PUD

Introduction

The County does not currently have a planned unit development (PUD) district. PUD options are part of nearly all modern zoning districts, with some communities requiring nearly all development, when requesting a rezoning, to engage the PUD process.

Issues

The County does not currently have a wide range of options for the siting of multifamily, senior housing, and similar uses more common to the municipalities in areas with a full range of infrastructure. A PUD is a negotiated district that allows the County to approve these types of uses when infrastructure becomes available, and to insist on appropriate levels of landscaping, building design, and other standards that would not be possible using a conditional use permit process.

Recommendations

- Include a single PUD district, requiring a concept plan along with neighborhood pre-meetings when applications are filed. Applicants would demonstrate a higher level of design than is possible with a base district. An approved PUD establishes the zoning regulations specific to that development, and subsequent land use permits must be consistent with those approved regulations.

Development Standards

Introduction

In addition to regulating permitted uses, most modern zoning regulations include development standards. The most common types of development standards include parking and landscaping regulations. It is a good practice to consolidate development standards into a single chapter so that they are easy to find.

Access

Roadway access is regulated both by the County zoning ordinance and also by towns through the driveway permit process. The County's access management regulations are codified in § 17.60.7. This requires a minimum 66 feet of road frontage, maximum driveway access width of 30 feet at the right-of-way line and 50 feet at the roadway surface, and driveway separations from intersecting roads and other driveways. Commercial and industrial parcels are limited to 2 driveway accesses with the maximum width of 35 feet.

The Restricted Commercial District limits access along a Class A Highway to two points of ingress or egress. However this district has never been applied.

Issues

The code has an internal conflict in that the access management regulations establish a 30 foot maximum width here, but then there is a 35 foot maximum listed later in the ordinance.

Recommendations

- Resolve the conflicting driveway width standards after consultation with the St. Croix County Highway Department.
- During the public outreach, a suggestion was made to add the model driveway ordinance for towns. The Wisconsin state legislature publishes a Driveway and Highway Access Permit Ordinance (see <https://docs.legis.wisconsin.gov/statutes/townlaw/forms/121>). This ordinance is for towns that exercise village powers. It is not clear why it would belong in the County's regulations.
- A question was raised as to whether the zoning ordinance should allow more than one driveway in certain circumstances. This question should be discussed with the St. Croix County Highway Department to assess the situations where additional driveways are appropriate.

Lot Development and Design

Introduction

Consistent with standard practice for conventional zoning regulations, the County's zoning districts establish minimum lot sizes, and for building placement through yard regulations. The Residence District establishes a maximum lot depth of 3:1 (§ 17.13 (2) (a)). However, the regulations do not expressly limit lot development to one principal structure per parcel, which is a typical requirement for low-density residential zoning districts. Only the Riverway District limits density to one principal structure per parcel (§ 17.36 G.3).

The zoning regulations (in the definitions section) prohibits the development of outlots (i.e., lot remnants that are intended for open space) for any use or structure requiring a private, on-site wastewater treatment system (§ 17.09.172). This language does not apply to uses or structures that access a public, central wastewater treatment system. The only additional reference to "outlot" is the definition of "replat," which provides that the subdivision of an outlot that does not change the block's exterior boundaries, is not considered a replat. The term "replat" is not used anywhere else in the zoning ordinance.

Issues

For the Residential (RR and RN) Districts and for conservation subdivisions, there are density restrictions in lieu of minimum lot sizes. This will provide additional flexibility in designing lots around open space and natural resources. With this in mind, it is not clear what purpose a minimum lot depth serves. Public outreach comments suggested that this creates a problem with limited road frontage and bank financing practices. From the public perspective, this could also encourage lots to encroach into areas better reserved for open space or agricultural use.

Act 67 (adopted on November 28, 2017) (adopting Wis. Stat. § 66.10015 (1) (e), (2)(e)) now limits how local governments in Wisconsin can regulate existing substandard lots. Zoning regulations cannot restrict the sale of substandard lots, prohibit building on undeveloped substandard lots that comply with all other zoning regulations, or require substandard lots to merge for zoning purposes without the property owner's consent.

Recommendations

- Eliminate the lot depth provision in the Residence District.
- Incorporate density standards in lieu of minimum lot sizes in the Residence and Rural Residential Districts. This not only creates an incentive for smaller lots that leave more room for open space and design flexibility, but it also renders moot concerns about substandard lots.
- Add a provision limiting lot density to 1 single-family dwelling per lot or parcel for the AG-1, AG-2, RR, RN and RM Districts. This would not apply to the Commercial and Industrial Districts, which would be subject to maximum lot coverage and impervious surface metrics.

Processes & Administration

Clear, predictable development review processes are important to zoning implementation. Modern codes typically consolidate the procedural aspects of the code into a single, vertically integrated chapter. In St. Croix County, Subchapter VII (Administration) does consolidate many of the applicable processes. However, other subchapters (including the Shoreland, Riverway, and Floodplain overlay districts) include a significant body of procedures that are independent of the general processes, and redundant in some ways. The zoning processes include:

		Applicability	Approving agency
Text Amendments & Rezoning	17.72	Changes to the text of the zoning ordinance or to the zoning map (i.e., a rezoning)	County Board following Community Development Committee recommendation. Subject to Town Board veto unless inside Shoreland and Floodplain.
Conditional Use Permits	17.70.(5), - (6)		Board of Adjustment
Land Use Permits			
Sanitary Permits	17.70.(3)	Construction or alteration of private sewer systems	Zoning Administrator
Land Use Permits**	17.70.(3) 17.30.P.4 (Shoreland)	Construction, addition, or alteration of buildings or structures	Zoning Administrator*
Temporary Occupancy Permits	17.70.(3)(c)	Residential occupancy of vehicles, or manufactured homes/trailers during construction	Zoning Administrator
Appeals	17.70.(5), - (6)	Appeal of administrative actions	Board of Adjustment
Variances	17.70.(5), - (6)	Variance of zoning regulations based on unnecessary hardship	Board of Adjustment

* § 17.70 (3) refers to the “Town Deputy Zoning Administrator.” Public outreach comments indicated that this process has not worked well and is largely discontinued.

** § 17.70 (3) does not use the term “land use permit,” but other parts of the zoning ordinance refer to “land use permits” issued in accordance with § 17.70 (3).

In addition, the code gives decision making agencies the discretion to require impact studies or reports for rezonings, conditional uses, variances, appeals, or subdivision plats (§ 17.70 (8)). This section calls for a hearing after the impact study is submitted. Because all of these

processes already require hearings, it is not clear why an impact report requires a hearing as well. Likewise, the commercial district requires “site plans” and “facility plans” (§ 17.18 (2) m.). There is no language describing the process or standards for approving site plans, or what they are supposed to contain.

The current code does not establish either an overall roadmap of the zoning review process, or a coherent structure for individual processes. In addition, many parts of the code - including Article VII - are filled with submittal requirements. This adds significant length to the ordinance and obfuscates district and development standards and procedural workflows.

General Recommendations

- Consolidate all procedural workflows into a single subchapter of the new zoning ordinance.
- Include a general section of the permitting subchapter that addresses the general rules for notification, conducting hearings, and other common elements of the approval process. This will include a table that, for each process, describes the agencies involved, whether those agencies submit recommendations or make decisions, and how notice is provided.
- The section relating to each process should have identical subsections describing:
 - **Applicability** – what situations the process applies to
 - **Initiation** – how applications are filed
 - **Completeness** – how applications are determined to be complete, and the consequences of filing incomplete applications
 - **Notice** – for discretionary decisions, how notice is provided
 - **Decision making** – who makes the decision, what type of hearing (if applicable) is required, and how applicants are notified of the decision
 - **Standards** – any standards that are unique to the application
 - **Scope** – a brief description of the rights conferred by approval or conditional approval, including any next steps in the overall approval process
- Add an additional subchapter establishing each agency that has a role in the approval process. This will describe how the agencies are appointed or established, along with their roles and responsibilities.
 - The zoning ordinance does not clearly indicate which agency provides the role of the Planning Commission. There are various references to the Comprehensive Parks, Planning, and Zoning Committee, or Planning and Development Committee, or Planning and Zoning Committee, or Community Development Committee, or Zoning Committee. All of these references appear to point to the Community Development Committee, but inconsistent language is used and the ordinance is silent about how the committee is appointed, its internal processes, and its overall responsibilities. Also, there needs to be clarity about the respective roles of the Community Development Committee and the Board of

Adjustment. It is not currently clear which body serves as the County's "Planning Commission".

- Consolidate all submittal requirements into a separate subchapter at the end of the zoning ordinance that includes a checklist of required information. This would include:
 - The impact studies and reports established in § 17.70 (8);
 - Site plans for nonresidential and multifamily development. There were conflicting public comments about whether they should include stormwater management plans. These plans do not need to include different stormwater management criteria in other parts of the code, but should include stormwater management plans that are already part of other agency processes;
 - Any project phasing; and
 - Digital submittals, including shape files and CAD drawings in electronic form.
- The Wisconsin zoning enabling legislation is very detailed as to the type and timing of notice and other procedural details. It would be a good idea to remove those details from the zoning regulations, and to place them in a separate procedural manual. The procedural manual can be updated whenever state law changes, without having to go through the public notice and hearing process. It can also include checklists of required information, forms, and related information for applicants and code administrators.
- Eliminate the Town Deputy Zoning administrator role.
- Establish clarity about the respective roles of the Community Development Committee and the Board of Adjustment, and make clear what entity is the "Plan Commission".

Conditional Use Permits

Introduction

Conditional use permits are a way to review individual uses on a site-specific basis to determine if they are appropriate at that location. They are discretionary decisions and require a public hearing. Conditional use standards are typically general in nature – for example, that a "proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to the public health, public safety, or character of the surrounding area." 2017 legislation (Act 67, adopting Wis. Stat. § 59.69(5e)) now requires the standards to be "to the extent practicable, measureable."

Issues

Act 67 removes one of the principal advantages of a conditional use process – i.e., the ability to do site-specific reviews with conditions of individual uses. While site-specific review and conditions are still available, they must now relate to clear, measurable standards as opposed to discretionary standards. The only difference between that process and an administrative process is that the applicant must now demonstrate compliance in front of an audience, increasing delays, expenses, and staff and agency time. On the other hand the, "measurable" conditional use permit standards could include performance metrics, with the agency retaining the discretion to decide how the applicant will comply with those standards. For example, if the County adopted a binding level of service (LOS) for streets – i.e., a standard that streets affected by the application cannot fall below a LOS "C" – the Board of Adjustment could decide

that the applicant must meet the standard by a combination of density reductions and connectivity rather than simply expanding roadways. So, while administrative processes remain a best practice, there is still an important role for conditional use permits to play even after Act 67.

Recommendations

- To respond to Act 67, the new Zoning Code should:
 - Move as many uses into a permitted use category as possible, subject to specific standards established in the ordinance.
 - Where the County is not satisfied it can develop measurable standards that adequately protect the public, consider deleting the use from the zoning district. This would require the applicant to rezone to a district that does allow the use, which is not subject to Act 67's restrictions on conditional use permit standards.
 - Consider requiring impact studies – such as traffic, stormwater management, odor control, mining reclamation plans, and related factors – for review by planning staff. These can require the basis for approval or denial by right uses, or conditions to rezoning.
 - Consider performance-based standards for individual uses. Instead of prescribing how a use will meet a zoning requirement, a performance standard will set a limit or target and require the applicant to demonstrate how they meet the standard. Once a County establishes a measurable standard, Act 67 – consistent with prior law – requires the applicant to demonstrate how they meet the standard.

Use Regulations

General Considerations

The Zoning Ordinance currently includes a number of very detailed regulations for specific uses, which are scattered throughout the ordinance. While this has the advantage of keeping many of the applicable regulations in the same section (for example, the specific regulations for Agricultural Entertainment Activities are in the AG-1 regulations along with the other AG-1 dimensional standards), it buries the information in the uses lists and results in standards that are repeated over and over. In addition, an applicant who wants to establish an Agricultural Entertainment use will have an easier time finding the information if it is red-flagged in a section heading than buried in a use list.

Recommendation

For this reason, a better practice is to move these uses to a consolidated Subchapter for use regulations. A consolidated Use Regulation subchapter would apply to the regulated uses regardless of whether they are permitted by right or as a conditional use. In fact, developing specific (and measurable) standards for each section is one way to address Act 67's new restrictions on conditional use permits. Each section would include:

- An applicability section,
- A cross-reference to where and how the uses are permitted,
- The standards the use must comply with to receive a land use permit, conditional use permit, or (if no permits are required) to operate legally.

Accessory Structures & Uses

Introduction

Accessory buildings, accessory structures, and accessory uses are those buildings, structures or uses that are incidental to the principal structures or uses. In most zoning regulations, these are allowed as part of the principal structure, unless the ordinance provides otherwise. In St. Croix County, the Zoning Ordinance's general provisions (§ 17.12) include regulations for accessory buildings, structures and uses in all districts. This limits accessory structures to 30% of the required rear yard and 20 feet in height. In addition, some of the district regulations have additional standards for specific accessory uses – for example, Agricultural Entertainment Uses in AG-1 and AG-2.

Issues

Comments on the Zoning Ordinance included:

- Toy house structures and sheds should be considered accessory structures, because they are turning into large structures. Note: sheds are already defined as an accessory structure in § 17.09, but “toy houses” are not.
- Section 17.12(6)(b) includes the following allowance for accessory structures:

Use Regulations | *Agricultural Entertainment*

- “Chimneys, cooling towers, church steeples or spires, cupolas, tanks, water towers, television antennas, microwave radio relay or broadcasting towers, masts or aerials, farm silos, barns and other farm structures and necessary mechanical appurtenances are hereby excepted from the height regulations of this chapter and may be erected in accordance with other regulations or ordinances of the County, or of other jurisdictions such as the Federal Aviation Administration (FAA).”
 - Staff commented that this should be regulated by zoning district with tailored standards instead of lumped in a catch-all provision.
- Consider clarifying when someone can construct an accessory or personal structure on a vacant parcel before a residential, commercial or industrial principal structure is built.

Recommendations

- Include a section for accessory buildings, structures and uses in the Use Regulations.
- Add building height and maximum footprint provisions for accessory structures by district.
- Add a table to the accessory building, structure and use section that sets out, for each zoning district:
 - Whether the structure is allowed;
 - Minimum front, side and rear setbacks;
 - Maximum encroachments;
 - Maximum height; and
 - Maximum footprint.
- Prohibit the construction of temporary buildings, structures or uses until the principal structure is established. The provision could also allow an accessory structure with a temporary permit for a limited time or until the principal structure or use is established. However, this creates a need for enforcement if the temporary structure is not removed when the time period expires.

Agricultural Entertainment

Introduction

St. Croix County Zoning Code Section 17.09 defines *Agricultural Entertainment* as:

“A farm based enterprise or business that combines the elements and characteristics of agriculture and tourism. Agricultural Entertainment includes a wide array of farm and farm-related activities, including outdoor recreation (nature based tourism, fishing, hunting, wildlife study, horseback riding); educational experiences (day camps, hands-on chores, cannery tours, cooking classes, wine tasting, on-farm museums); entertainment (harvest festivals, barn dances, “petting” farms); and hospitality services (weddings, overnight farm or ranch stays, guided tours, on-farm direct sales, “pick-your-own” operations, roadside stands, and farmers

Use Regulations | *Agricultural Entertainment*

markets). The uses defined within this section are solely applicable to state certified zoning districts, AG-1 and AG-2.”

Agricultural Entertainment is a permitted use in the AG-1 Agricultural District if the activities occur on no more than “15 calendar days per each 12 months in succession” (Section 17.14). Further, any activities where more than 100 attendees are expected require approval of an event plan in conjunction with the associated land use permit. Approval of a land use permit is required in all cases, regardless of the number of anticipated attendees. *(See Section 17.10(3), which states permitted uses are allowed, provided the property owner obtains a permit.)*

The AG-1 District also allows *Farm-related exhibitions, sales, or events* to occur on no more than 5 days per year. While Section 17.09 does not define this use, Section 17.14 provides examples, including auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings, and similar activities. An event plan is not required.

The AG-1 District allows, as conditional uses, *Agricultural Entertainment* activities occurring on *more than* 15 days per year and *farm-related exhibitions, sales, or events* occurring on *more than* 5 days per year. Conditional uses require approval of the County Board of Adjustment following a public hearing. A site plan depicting the location of such items as structures, parking areas, driveways, and sanitary facilities must be submitted in conjunction with a conditional use permit application. *Farm-related exhibitions, sales, or events* also require submittal and *annual* approval of an event plan for events where more than 100 attendees are anticipated.

The AG-2 Agricultural District allows all permitted and conditional uses allowed in AG-1, which includes *Agricultural Entertainment* uses and *Farm-related exhibitions, sales, or events*. The criteria used by the Board of Adjustment in consideration of a conditional use are the same as in AG-1.

Applications for conditional uses located in either Agricultural District require notice to the Wisconsin Department of Agriculture, Trade and Consumer Protection of the application as well as the Board of Adjustment’s final decision.

Issues

Agricultural Entertainment is an emerging land use throughout the country. Often referred to as “agritainment” or “agritourism,” *Agricultural Entertainment* activities benefit farmers by diversifying their business, generating additional income, raising awareness of local farms and their products, and educating the public about the benefits of local agriculture — all of which have the potential to increase the economic viability of a farm.

In addition to issues related to health and safety of event attendees and participants, typical concerns associated with *Agricultural Entertainment* activities primarily include livability issues such as noise and traffic. Residents near working farms offering *Agricultural Entertainment* activities and other special events can experience a variety of impacts with the potential to negatively affect quality of life if not sufficiently regulated. Concerns can include:

Use Regulations | *Agricultural Entertainment*

- Hours of operation of the Agricultural Entertainment activity;
- Location of parking areas;
- Location of areas where attendees and participants congregate;
- Noise;
- Lighting;
- Traffic and vehicular access, particularly when located on rural roads not constructed for high traffic volumes or large vehicles such as tour busses; and
- Location and size of temporary and permanent signs.

Recommendations

The St. Croix County Zoning Code does a good job of regulating on-farm event uses; it balances the needs of modern farmers with community desires to maintain an area's rural character and unique quality of life. The Code provides sufficient direction to the Board of Adjustment with regard to the various elements it should consider when presented with a conditional use application for land in an Agricultural District (See Section 17.14(D)).

Below are a few recommendations St. Croix County could consider to further improve its regulations concerning Agricultural Entertainment and event uses:

- The Zoning Code currently makes a distinction between Agricultural Entertainment and Farm-related exhibitions, sales, or events. The Code does not define Farm-related exhibitions, sales, or events, but does provide examples (auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings, and similar activities). There is enough similarity between some of these events and those considered Agricultural Entertainment that addition of a definition for farm-related exhibitions, sales, or events is warranted.
 - *Recommendation*- Add definition of Farm-related exhibitions, sales, or events to Section 17.09.
- There is some inconsistency with regard to the event plans required when more than 100 attendees/participants are anticipated:
 - Where Agricultural Entertainment is a permitted use, it requires an event plan;
 - Where Agricultural Entertainment is a conditional use, it does not require an event plan;
 - Where farm-related exhibitions, sales, or events are a permitted use, an event plan is not required; and
 - Where farm-related exhibitions, sales, or events are a conditional use, an event plan is required and the event plan must be approved each year.
 - *Recommendation*- Require an event plan for all Agricultural Entertainment uses and farm-related exhibitions, sales, or events where more than 100 attendees/participants are anticipated.
- It appears approval of an event plan is required for each individual event. When a farm hosts frequent and/or multiple events over the course of a year, this can be a time-

consuming requirement with which a farmer must comply. Streamlining the approval process would reduce the burden on farmers, as well as County staff, and encourage compliance with zoning requirements.

- *Recommendation*- Clarify whether event plans are required for each individual event.
- *Recommendation*- Consider providing an option to submit a general event plan covering all (or most) events proposed to occur on a farm, rather than a separate plan for each event. Particularly large (in attendance and/or impact) events should still require review on an individual basis.
 - Consider allowing this general event plan to be valid for an extended period of time (i.e., 1 year or longer), perhaps with an annual compliance review required by County staff or the Board of Adjustment.
 - Define “minor changes” to the event plan and allow them to be approved at staff level, while requiring “major changes” to be approved by the Board of Adjustment in the same manner as the original conditional use approval.
- Allow these Agricultural Entertainment uses in Commercial Rural, but not in a residential district

Animals

Introduction

As an agricultural county, the zoning ordinance includes significant detail about livestock related animal facilities. However, the zoning ordinance does not regulate exotic animals. In addition, “urban chickens” have become an issue around the country and the County’s existing regulations would not accommodate them on smaller lots.

- **Regulate exotic animals.** The County Code of Ordinances does not appear to regulate exotic animals outside of zoning. These are typically animals that are not domesticated, not indigenous to the region or the United States, normally found in a wild state, and considered wildlife livestock, or domestic animals. Examples include nonpoisonous snakes and lizards, potbellied pigs, lions, elephants, camels, antelope, anteaters, kangaroo, monkeys, large cats such as lions or tigers, and water buffalo. These are typically regulated through police power regulations rather than zoning. Some communities prohibit exotic animals altogether, establish minimum acreage requirements (such as 5-10 acres), establish spacing and setback requirements (such as 150-200 feet from property lines and adjoining residences), or limit them by district or activity (such as a circus permitted as a temporary use).
- **Chickens** on residential lots, such as major subdivisions in the Rural Residential District. “Urban chickens” have become a hot zoning topic around the country. In residential areas, regulations may:
 - Limit chickens to designated districts. In Madison, for example, chickens are allowed in all residential districts subject to use regulations.
 - Prohibit roosters.

Use Regulations | *Animals*

- Prohibit slaughtering on the property.
- Establish a maximum number. For example, a recent zoning update for Sparks, Nevada establishes limits on chickens for parcels over 10,000 square feet to 2 hens for every 2,000 square feet of parcel size, up to 16 hens.
- Limit chickens to the rear yard.
- Prohibit excessive droppings or dead chickens.
- Require the enclosure in a covered coop with the minimum size (such as 10 square feet per hen) with a minimum setback from the property line or from residences on adjacent lots (for example, Madison establishes a minimum 25 foot setback).

The zoning ordinance currently requires a minimum of 3 acres for livestock “animal units,” and prohibits them in major subdivisions unless allowed in the plat (§ 17.12 (12)). Setbacks are 100-200 feet for animal structures and 100-350 feet for waste storage structures, depending on the number of animal units (§ 17.12 (12)). In the Rural Residential District, a 100-200 foot setback for livestock structures applies, with a uniform 100 foot setback for animal waste storage structures. This results in a larger setback for waste storage in the AG District than in the Rural Residential District. These standards would apply to chickens.

Beekeeping is another growing trend in urban and suburban areas. Is there interest in adding regulations to explicitly allow this as well? Residential Neighborhood may be the only district that would require such regulation.

Issues

It is not clear from our public outreach comments whether exotic animals or residential chickens or bees are existing issues, or whether the commenters were simply being proactive. In residential areas, animals raise issues such as noise and odors from animal waste. For exotic animals, large animals present a public safety threat if they escape. Urban chickens have also created nuisance issues when not properly contained on the property.

Recommendations

- Consider banning exotic animals in the Residence and the reconstituted RN Districts. For the RR and AG Districts, consider a minimum size threshold along with strict enclosure requirements if the County wishes to regulate these. The County should also consider that revising the AG district might raise the prospect of decertification if it is found that exotic animals pose a threat to agriculture.
- For chickens, consider allowing a small number of chickens in major subdivisions subject to enclosure, noise (i.e., prohibiting roosters), and related standards discussed above. Of course, a subdivider could include covenants banning chickens if desired.

- For livestock in general, there is a difference of opinion as to whether the 350 foot setback should apply to Rural Residential. Some felt that it should, while a staff person involved in permitting did not see much of a benefit from the additional setback. However, it does make sense that the setback for residences should be stricter than in agricultural areas. Consider adopting the stricter setback for the reconstituted RN District, while maintaining the existing Rural Residential setback for the more agricultural RR.
- One suggested reconsideration of the setbacks for barns that house livestock, and whether a 100' setback is workable on a 5-acre parcel. For example, a 5 acre parcel with 300 feet of frontage would have 726 feet of depth, which seems to provide sufficient space to site a barn. However, a 300 foot lot width would force the barn to the interior of the site. The setback could be tiered, so that it drops to 50 or 25 feet in the rear yard, or increases for larger sites. In addition, the setback could be maintained where the barn abuts a residential or reconstituted RN District.

Biogas

Introduction

The Zoning Ordinance allows the following biogas facilities in AG-2 as a conditional use:

- Bio-diesel and ethanol manufacturing
- Biopower facilities for distribution, retail or wholesale

Biogas production uses “agricultural and municipal organic byproducts to produce renewable energy that can be used to generate electricity or renewable natural gas (RNG) for transportation fuel.” Community Planning Workshop, *Oregon Biogas Facility Permitting Guide* (June 2012). Biogas facilities typically involve an anaerobic digester that collects animal waste to produce biogas, which is then piped off-site either to other distribution facilities or to energy production facilities.

Issues

The Town of Rush River recently reviewed a rezoning request regarding a biogas project. Public comments indicated that there is a push for biogas production on larger farms to generate methane with manure digesters. The sentiment was that this type of use is not agricultural and does not pay for itself. Discussion of the community digester concluded that it was not financially feasible and would require governmental assistance. A participant from the Town of Rush River suggested that a minimum setback from residences or property lines apply to biogas structures.

Because biogas production uses waste that is already on site, it does not appear to present additional exposure to odors. However, pipeline transmission can create explosion risks. A model ordinance in Washington recommended a minimum setback of 50 feet for hazardous liquid transmission lines, with a variable setback for gas transmission lines. *Transmission*

Use Regulations | *Concentrated Animal Feeding Operations (CAFOs)*

Pipelines and Land Use – A Risk-Informed Approach, Transportation Research Board of the National Academies, Special Report 281 (2004)(the “TRB Report”). In Austin, Texas, a pipeline ordinance establishes a 25 foot setback from a hazardous liquids pipeline, increases construction standards and bans sensitive structures requiring evacuation assistance (such as schools and hospitals) within 200 feet, and requires a variance for sensitive structures within 500 feet (TRB Report, at 29).

Recommendations

It would appear facilities that replicate existing activities on an animal feeding operations site would remain subject to the setbacks for those facilities. Facilities that raise a risk of explosion or similar hazards, such as pipelines, would be subject to additional setbacks depending on uses in the surrounding area. If the County wishes to pursue this matter further, the additional setback should be subject to additional research.

Concentrated Animal Feeding Operations (CAFOs)

Introduction

State law requires the county to allow concentrated animal feeding operations (CAFOs) in at least one district. CAFOs are currently allowed in the AG-1, AG-2, and Rural Residential Districts. CAFOs are either permitted or conditional in each district depending upon their animal density and size. Counties are required to allow CAFOs in at least one agricultural district, but are not required to allow them in other districts such as residential or commercial zones.

Issues

CAFOs are an important part of the state and local agricultural economy, but are intensive agricultural uses. They generate noise and potential threats to water quality, but are regulated by the state. The county is seeing a trend away from hog confinement facilities and toward dairy operations, with 6 dairy CAFOs and 3 permitted expansions in the past 2 years growing to 2,000 or 3,000 head. CAFOs tend to add buildings every 3-5 years. County staff reports that there are approximately 10-12 violations per year based on operations exceeding their permitted animal units.

Recommendations

- The proposed revised zoning structure discussed earlier in this report recommends dividing the Rural Residential District into a district with higher residential densities without intensive agriculture, and another district with lower residential densities but retaining intensive agricultural uses. This should help to reduce the risk of conflicts between CAFOs and homes.

Conservation Design

Introduction

Conservation design allows applicants to reduce their lot sizes while allocating a significant portion of their site to resource protection or common open-space. This technique is consistent with the comprehensive plan, which encourages housing developments that maximize resource protection. Developers in our public outreach process also cited it favorably, although the feeling was that the County should consider realistic incentives to encourage the use of conservation design.

The County currently establishes conservation design in both the zoning and subdivision regulations. The zoning regulations include a Conservation Design District - which would require a rezoning - but also allow conservation by design by right in the Residential (R) and Rural Residential (RR) Districts. Minimum lot area is one-half ($\frac{1}{2}$) acre in the R and RR Districts, which is smaller than the 1 acre required for unsewered lots but larger than the 12,750 sq. ft. for sewerred lots in the R District and smaller than the 2-acre average in the RR District. The maximum density is established in the Land Division Ordinance (County Code Chapter 13) and cross-referenced in the Conservation Overlay District regulations. Density is based on base density, plus an additional 25% to arrive at gross density (which is the maximum number of dwelling units permitted).

The details of conservation subdivision design are set out in the land division ordinance (§ 13.2.C and 13.8) rather than the zoning ordinance. Conservation design requires 50% open space in the R District in 65% in the RR District.

Issues

Conservation design provides more open space than conventional subdivisions or housing developments. However, only one conservation design subdivision has been built in the county, and lot absorption has been very slow. Developers can be slow to embrace conservation design because of concerns about market acceptance for smaller lots, the cost of maintaining open space, and project delays due to neighborhood resistance. Neighbors sometimes resist conservation design because it involves smaller lots and higher perceived density.

Recommendations

- **Eliminate the Conservation Design Overlay District** (§ 17.21) and integrate the standards from the subdivision regulations into the Use Regulations so that they are codified in one place.
- **Eliminate minimum lot size.** The discussion in “zoning districts and standards” describes the benefits of eliminating a minimum lot size. This maximizes design flexibility, and gives applicants the ability to provide more efficient and cost-effective street and utility layouts, it allocates more of the development site to common open space rather than private lots. This makes it easier for applicants to maximize their lot yield while meeting the County’s minimum standards for open-space and resource protection. In the RM

District, conservation design developments actually require double the lot size of a sewer lot, which creates a disincentive to use this development technique.

- **Common Septic.** Allow common septic systems subject to state and County approval to allow lot size reductions, with a designated portion of the system allowed in the open space areas.
- **Clarify how density is calculated.** Important details of the conservation design subdivision are set out in the subdivision regulations. Those regulations should be clarified to clearly state, in an easily understandable way, how density is calculated. Current regulations simply require “yield plan” with the 25% density bonus. Is not clear how that compares to standard zoning districts without engaging in detailed calculations. The calculation should be based on the underlying district density, followed by a density bonus above the baseline district regulations. These metrics should be built into the R and RR/RN District regulations without needing to flip back and forth between the zoning and subdivision regulations.
- **Density bonus.** Establish a 10% - 20% density bonus for the property.
- **Gross density.** Allow applicants to calculate their maximum density based on the total land area of the development site, regardless of any water, environmental, or right-of-way restrictions. This simplifies the density calculation, and results in additional lot yields.
- **Streamline the permitting process.** Conservation subdivision applications would have priority over other applications, a streamlined approval process, and development standards that are by right rather than through discretionary review such as rezoning or conditional use permit.
- **Conservation street design.** Consider a conservation street design with narrower rights-of-way, reduced-width or no sidewalks, and larger maximum cul-de-sac lengths. This would minimize resource consumption by reducing impervious surfaces and save applicants costs in building streets.
- **Protect the remainder parcel.** Most conservation design ordinances require either a conservation easement, public ownership, or land trust ownership of the open space remainder parcels. Another option could be a nonpermanent, recorded restriction that maintains the property in open space for 30-50 years. This maintains open-space for a significant time period, during which the residents, County, or other parties can seek fee simple ownership or a permanent open-space restriction. Because it is not a permanent restriction, it allows the County to reconsider the value of the resource versus future housing needs as it develops, and may be less of a disincentive to use conservation design than a permanent restriction.

Frac Sand Mines

Introduction

Frac sand mines use hydraulic fracturing (known as “fracking”) to extract oil and natural gas from areas with silica sand (or “frac sand”) reserves. As described in a recent Wisconsin Supreme Court opinion: “the process involves drilling an oil or natural gas well and using explosives to create cracks or fissures in the rock or subsurface material. A mixture of water,

Use Regulations | *Home Occupations*

chemicals, and frac sand is injected to expand and hold open the cracks or fissures created by the explosives. The oil or natural gas reserves leach out of the cracks and fissures and into the wells.” *AllEnergy Corporation v. Trempealeau County Environment & Land Use Committee*, 2017 WI 52 (2017).

Issues

Opponents of frac sand mines cite environmental, health, and cultural concerns. For example, in denying a conditional use permit for a frac sand mine in a recent case, a committee cited “health, safety, and welfare of the public; the wise use of the county's material resources; the aesthetic implications of the siting of the mine; and the adverse effects of the mine on the environment (including water quality, ground water, and wetlands), scenic beauty, wildlife, and recreational opportunities.” *AllEnergy, supra*. Proponents may cite employment and compliance with state and federal environmental standards.

Recommendations

- Consider setbacks from property lines and residential areas.
- Consider operational standards that minimize impacts on the County’s water resources.
- Establish landscape buffer requirements for the perimeter of frac sand mine operations to minimize their aesthetic impacts.

Home Occupations

Introduction

A home occupation is a business conducted in a residence. Home occupations are limited in the current Zoning Ordinance to the family members living in the residence (§ 17.09.110, 17.155(4)(a)). Section 17.155 establishes a “Home Occupation Overlay District” which actually serves as a set of supplemental standards instead of an actual, mapped district. This section divides home occupations into two types: minor and major. Minor facilities require no permits, are conducted only by residents of the home, and occur entirely inside the residence for up to 20 percent of the total floor area. Major home occupations may employ up to two persons not residing in the home, and may also occupy accessory structures subject to a 1,000 foot floor area for the entire operation. These require a conditional use permit and must be located 500 feet from a neighboring residence. The conditional use permit is not transferable to other persons or addresses.

They are permitted as follows:

Table 5 Home Occupations

District	Major	Minor
Residential*	C	C
AG-1, AG-2	C	P
Rural Residential	C	P

Use Regulations | *Housing*

Conservation Design Development Overlay		C
Riverway Overlay		C

P = permitted by right | C = conditional use permit

* Residence refers only to “home occupation” as a permitted use, and does not distinguish major and minor.

Issues

Home based businesses and working at home are growing in popularity. However, home-based businesses can generate traffic, noise, and impacts on surrounding property values if a use changes from residential to commercial in character.

Recommendations

- A 500 foot setback for a home occupation is a very stringent standard. Consider a tiered standard that varies based on the zoning district, specific home occupation, and whether it is a type of use that generates noise, dust, or similar impacts.
- Consider lifting the 1,000 square foot restriction for the entire home occupation if accessory structures are used. If the accessory structure is located in the rear yard and does not occupy more than what is allowed for typical accessory structure, the activities occurring inside the structure should not be visible to neighbors. This is also a difficult standard to enforce.

Housing

Introduction

The current zoning regulations devote over 95% of the County’s zoning jurisdiction to zoning districts that allow housing, but principally for single-family detached units. In the Rural Residential District, duplexes are conditional uses and there is no provision for multifamily housing units. In addition, § 17.12 (2) requires at least 720 square feet of floor area for single-story and 1,000 square feet for two-story dwellings.

Issues

With much of the County unsewered and with land reserved for agricultural uses, there may not be a current pressing demand for multifamily housing types. However, as the county grows, and with shifting market demands for housing preferences, the County will need to consider ways to expand its portfolio of housing types.

Recommendations

- Eliminate the minimum dwelling unit size (§ 17.12). To the extent that this is needed for health and safety reasons, it is a building code issue and not a zoning issue. In fact, larger buildings and building footprints do not further the County’s agricultural preservation and natural resource protection policies.

Use Regulations | *Nonmetallic mining*

- Consider allowing “tiny houses” or similar small homes as permanent housing, subject to the following standards:
 - Allowed on individual lots by right in the AG and RR district, subject to supplemental use standards;
 - For tiny house communities that are master planned, require a PUD rezoning;
 - Compliance with the County building code or HUD code, as a “tiny house” is technically a camper and not intended for permanent occupancy;
 - Removal of the wheels and installation on a permanent foundation;
 - Connection to utilities or an approved septic system.
- Consider allowing accessory dwelling units (ADUs) in rear yards of the agriculture and residential districts outside of the Shoreland and Riverway overlay districts. Standards could address, among other things:
 - maximum occupancy
 - maximum rear yard coverage and setbacks,
 - architectural design that is compatible with the principal dwelling unit
 - maximum height
 - minimum and maximum parking spaces

Nonmetallic mining

Introduction

Nonmetallic mining is subject to Chapter 14 of the County Code of Ordinances, which regulates operational standards. In the Zoning Ordinance, nonmetallic mining is allowed only as a conditional use in the AG-2 and the Rural Residential (quarry and gravel pits) Districts. The nonmetallic mining ordinance only allows mines of up to 20 acres for a period of up to five years (§ 14.3.6). Larger mines may be approved subject to a “long-range comprehensive plan,” but no more than 20 acres may be mined at one time. An operational plan must be provided that includes, among other things, days and hours of operation (§ 14.5).

Issues

The 20 acre mining limit restricts extremely large mines, which could displace agricultural land or natural resources and impact residences. Operators view the 20-acre limit as excessive, because it forces reclamation to happen as they go. Many mines are grandfathered in and not subject to the 20 acre limit. As those mines close, the restriction will apply to more active mines and it could drive up costs for materials.

Recommendations

Revisions to the nonmetallic mining ordinance are beyond our scope of services, but the County could consider the following approaches:

Use Regulations | *Short-Term Rentals*

- As suggested by staff, consider an additional 5- 10 acres of mining activity (25-30 total) as a balance between containing and avoiding large mines, while accommodating the economic needs of mining operators and minimizing increases in materials costs.
- Establish a Heavy Industrial or Resource Extraction zoning district that allows nonmetallic mining and related uses. Applicants could rezone to this district subject to site-specific conditions, and this tool could allow expansion beyond the existing 20 acre limit.
- While this would require a revision to Subchapter 14, consider allowing mines that have not used up their 20 acre capacity to transfer unused capacity to existing, active mines. This could put an overall cap on mining activity, provide flexibility for operators currently engaged in mining, and some economic return and an incentive for the deactivation or reclamation of smaller mines.

Short-Term Rentals

Introduction

As a feature of the “sharing economy,” short-term rentals (STRs) are an emerging issue in zoning. A STR involves the rental of dwelling for short-term lodging purposes through an online application such as AirBnB or VRBO. Act 59 (enacting Wis. Stat. § 66.1014). Under Act 59:

- The County **cannot** prohibit the rental of a residential dwelling for **7 consecutive days** or longer.
- For units rented between **6 and 29** consecutive days, the County **may** limit the total number of days within any consecutive one-year period that the dwelling may be rented to no fewer than **180** days. The County cannot dictate when these rentals occur, but may require that they occur consecutively. The persons renting the units must notify the County Clerk when the first rental occurs.
- The County **may** regulate the rental of residential dwellings in a way that is not inconsistent with the limitations described above.
- Persons offering the STR must obtain a tourist rooming house license from the Department of Agriculture, Trade and Consumer Protection (DATCP).

The Zoning Ordinance currently allows “rental of principal or secondary residences” in AG-1 and AG-2.

Issues

Short-term rentals have raised concerns about transient, lodging type uses changing the character of neighborhoods and raising long-term maintenance issues. On the other hand, if the rental units are occupied by only one family at a time, the units will retain a residential character.

Recommendations

- Consider durational restrictions consistent with Act 69.

- Require owner occupancy of the parcel, i.e., that maintain the home as their permanent address.
- Limit rentals to one single occupant or family at a time.
- Consider requiring a registration process so that the County and Town are aware of the presence and locations of short-term rental properties.

Additional Use Standards

Comments were made about the following use standards and will be considered in drafting the revised zoning regulations, subject to direction from the County:

1. **Campers.** Add temporary permit occupancy standards. Section 17.70(3)(c) allows temporary occupancy by travel trailers, but does not establish a fixed time limit. Should this allow someone to camp on their parcel? With a limit of 60 or 90 days or 6 months?
2. **Compost.** Consider adopting performance standards for compost and/or recycling facility type uses (i.e., more stringent setbacks, requiring a conditional use permit, etc.). Allow these in Commercial and Industrial Zoning Districts.
3. **Kennels.** Review setback requirements on dog kennels (i.e., is it only possible to locate them in the center of a large parcel) and which districts allow them.
4. **Recycling.** Do we need to consider adopting performance standards for compost and/or recycling facility type uses (i.e., more stringent setbacks) – part of a CUP process? Allow in Commercial and Industrial Zoning Districts.
5. **Self-Storage.** Clarify the self-storage standards. The County has had some issues with people sub-leasing their storage space to other users. Clarify the standards to prohibit sub-leasing and/or not being able to sub-lease to run another business.
6. **Signs.** Participants in our public outreach felt that the sign ordinance is difficult to follow, and that it is hard to find the information needed to quickly answer questions. Consider reorganizing the sign code so that it addresses all applicable standards by sign type, with a table addressing key questions such as where the sign is permitted, dimensional standards, lighting standards, and similar factors.
7. **Solar.** Address individual solar facilities.
8. **Telecommunications.** Address small towers and ham towers, and define amateur radio antenna.
9. **Temporary Uses.** Address:
 - a. Temporary occupancy provisions for camping.
 - b. Craft and antique sales – i.e., is 2-3 events enough?
 - c. Seasonal storage allowances.
 - d. Storage PODS or temporary storage units placed on private property, and whether they should meet district structure setbacks.
10. **Wind Energy.** Address individual wind facilities

Conclusion

St. Croix County's Zoning Ordinance is a key tool for implementing its Comprehensive Plan. While the existing Zoning Ordinance is effective in protecting agricultural land, it requires significant updates to fully realize the Comprehensive Plan's planning goals and objectives. This is because, as the County begins to experience accelerated population growth and development pressure, the traditional minimum lot size and related tools of conventional zoning will have the opposite effect. These tools could actually encourage land consumption that threatens the county's natural resources and agricultural lands. Tools that accommodate housing, economic development, and commercial needs in the more built-up areas of the County will relieve pressures in the County's agricultural areas and environmentally restricted lands. In addition, further reorganizing, rewriting, and illustrating existing and revised zoning requirements will make the document easier to read, and potentially create a higher quality of public discourse and design quality.

We look forward to our continued work with stakeholders on this important process.

Appendix A: Annotated Outline

General Principles

This Appendix provides an outline to structure St. Croix County's new Zoning Ordinance. It provides a more user-friendly structure than the existing Zoning Ordinance, making key information easier to find and understand. These principles guide the outline:

The Zoning Ordinance is arranged logically by topic:

- Similar subjects are arranged together by Subchapter – e.g., procedures, improvement standards, nonconformities – rather than scattered throughout the ordinance, to the extent possible.
- The more interesting and/or commonly used parts of the ordinance are placed up front. Dry, technical material resides in appendices, or at least to the rear of the ordinance.
- While it is not interesting reading, dry, technical information (e.g., application submittal requirements) is needed to provide effective standards and guidance for applicants and permitting officials. These items - such as definitions, submittal requirements, and fees - are placed in to the rear of the document.

This outline tames ordinance length by:

- Consolidating long, repetitive lists of standards into matrices. While matrices are not particularly exciting reading, they minimize the length of the ordinance.
- Standards are “right sized” to regulate only what is needed. This not only reduces volume, but it also reduces budget and staffing needs.
- The Zoning Ordinance will balance the use of cross-references (as opposed to repeating standards throughout) with the goal of keeping like materials together. This reduces text length and also, for state statutes, minimizes the potential for inconsistencies when the statutes are amended. However, it does require the reader to consult multiple sections of the ordinance or multiple documents.
- Graphics will illustrate the text language. Graphics can be very time-consuming to produce, so we typically save most graphics for the final document. Photo-editing technology can use local examples to illustrate how a design standard works or what a particular use looks like. Note that graphics also add to the length of the ordinance.

The numbering conventions will follow that of other parts of the County Code, as follows:

County Code Chapter (17) + Subchapter (1, 2 , ...) + sections (Chapter number with a decimal and two-digit number (e.g., 17.01 Title)) + subsections as follows:

1. a. 1) (a) (1)

Draft Outline

The outline below is presented in 4 columns. The first column is the new Chapter or Section number, with the proposed title in Column 2. The third column briefly discusses the changes. The final column briefly displays the sections that are replaced, where appropriate.

Subchapter / Section	Title	Description / Comments	Existing Codification (County Code of Ordinances)
	Executive Summary	Provides a roadmap for reading the Zoning Code.	17.01 Introduction and Declaration
1	Introduction	General Provisions	
17.01	Title	Short Title – “Zoning Code”	
17.02	Purpose	Describes the reasons for the Zoning Code what it accomplishes – i.e., implementing the Comprehensive Plan, protecting property values, natural resources and agricultural land, etc.	
17.03	Authority	Recites authority, including Wis. Stat. § 59.69	
17.04	Applicability	States generally that all development and land division is subject to the Zoning Code and establishes exceptions. Describes area of jurisdiction for zoning.	17.02 Compliance
17.05	Consistency with Comprehensive Plan	The Zoning Code is consistent with the Comprehensive Plan, and all rezoning and plats are to be consistent with the Comprehensive Plan	
17.06 to 17.09	Reserved.		
2	Zoning Districts		
17.10	Generally	Introduces and explains the zoning districts, and establishes general standards. This includes a reference to the Use Table that appears at the end of the Subchapter.	17.10 Introduction and Explanation
17.11	Districts Established	Establishes zoning districts. <i>A table will classify the districts as base or overlay districts.</i>	17.11 Districts
17.12	Zoning Map	Formally establishes the zoning map and references procedures for amendments.	17.10(2)
17.13	Agricultural District (AG-1)	Establishes purpose statement and dimensional standards for AG-1 with cross-reference to the Use Table.	17.14 AG-1 Agricultural District
17.14	Agricultural District (AG-2)	Establishes purpose statement and dimensional standards for AG-2 with cross-reference to the Use Table.	17.145 AG-2 Agricultural District
17.15	Residential Rural (RR)	Establishes purpose statement and dimensional standards for RR-1, with cross-reference to the Use Table. <i>This is one of two districts created from the existing Rural Residential, allowing agriculture uses in the same way but restricting residential uses to lower densities (1 per 10 acres) and allowing only minor subdivisions.</i>	17.15 Rural Residential District
17.16	Residential Neighborhood (RN)	Establishes purpose statement and dimensional standards for RR-2, with cross-reference to the Use Table. <i>This is one of two districts created from the existing Rural Residential, allowing residential uses in the same density (1 per 2 acres) but restricting agricultural uses to allow fewer animal units (200 max?) and prevent large-scale or noxious agricultural processing.</i>	17.15 Rural Residential District
17.17	Residential Mixed (RM)	Establishes purpose statement and dimensional standards for R, with cross-reference to the Use Table. <i>This renames Residence.</i>	17.13 Residence District
17.18	Commercial Rural (CR)	Establishes purpose statement and dimensional standards for CR with cross-reference to the Use Table. <i>CR will allow commercial development with relaxed pavement and landscaping standards appropriate for the County’s rural areas. Full paving will be required only for uses generating high volume and/or heavy vehicle traffic.</i>	17.18 Commercial District
17.19	Commercial General (CG)	Establishes purpose statement and dimensional standards for CG with cross-reference to the Use Table. <i>CG will provide for commercial development in corridors and centers with building design, paved</i>	17.18 Commercial District 17.17 Restricted Commercial District

Appendix A: Annotated Outline | *Draft Outline*

Subchapter / Section	Title	Description / Comments	Existing Codification (County Code of Ordinances)
		<i>parking, and landscaping standards. 17.17 Restricted Commercial District is deleted.</i>	
17.20	Light Industrial (IL)	Establishes purpose statement and dimensional standards for IL with cross-reference to the Use Table. Includes light industrial uses, such as office campuses, research and development, and similar uses. It would include landscaping and building design standards.	17.19 Industrial District
17.21	Heavy Industrial (IH)	Establishes purpose statement and dimensional standards for IH with cross-reference to the Use Table. Includes include production type facilities, junkyards, and nonmetallic mining.	17.19 Industrial District
17.22	Planned Development (PD)	Establishes purpose statement and negotiated process for approving multiple use, higher density or master planned communities.	
17.23	Conservancy (V)	Establishes purpose statement and dimensional standards for V with cross-reference to the Use Table. <i>Adds impervious cover metric, and is labelled "V" to avoid confusion with commercial districts.</i>	17.16 Conservancy
17.24	Shoreland Overlay (SO)	Establishes purpose statement and standards for SO with cross-reference to the Use Table. <i>Consolidates the Shoreland Overlay and Riverway Districts to consolidate redundant text.</i>	17.30, St. Croix County Shoreland Overlay Districts 17.36 Lower St. Croix Riverway Overlay District
17.25	Floodplain Overlay (F)	Carries forward the existing Floodplain Overlay.	17.40 St. Croix County Floodplain Overlay District
17.26	Use Table	Carries forward, consolidates, and audits the list of uses permitted in each base zoning district. A summary of the specific uses permitted is included in the district regulations, with the details set out here.	
17.27 to 17.40	Reserved.		
3	Development Standards		
17.41	General Provisions	Establishes introductory provisions relating to applicability and other global issues.	
17.42	Access Management & Driveways	Establishes access management standards for corridors.	17.60 Road or Highway Setbacks, Access & Driveways
17.43	Building Height	Establishes consistent rules for measuring building height.	17.12 (part) and district regulations.
17.44	Grading and Land Disturbance	Establishes standards for grading, clearing and other land disturbance activities.	17.12(7)-(11)
17.45	Landscaping & Tree Preservation	Carries forward and modifies existing landscaping preservation regulations.	Part of 17.18
17.46	Lot Development	Establishes rules for measuring density, lot layout, lot area and setbacks for subdivisions, and zoning districts.	17.12 (part)
17.47	Parking and Loading	Continues off-street parking requirements, with updated parking space ratios and incentives for shared parking.	17.55, 17.56, 17.57
17.48 to 17.70	Reserved.		
4	Procedures		
	General Provisions		
17.71	General Procedural Requirements & Authority	Establishes a common formatting and general requirements to obtain applicable zoning permits.	
17.72	Completeness Review	Establishes a completeness review process. This works in conjunction with the submittal requirements later in the Zoning Code.	
17.73	Pre-application	Establishes the pre-application process.	
17.74	Notice Provisions	Establishes general rules for posting, publication and signs.	
17.75	Public Hearings	Establishes rules or guidelines for providing and accepting testimony at required hearings.	
17.76	Neighborhood Meetings	Establishes guidelines for pre-application meetings with neighborhoods.	

Appendix A: Annotated Outline | *Draft Outline*

Subchapter / Section	Title	Description / Comments	Existing Codification (County Code of Ordinances)
Specific Processes			
17.77	Text Amendments	Establishes process to amend the Zoning Code	17.72
17.78	Rezoning	Establishes procedures for rezoning	17.72
17.79	Conditional Use Permits	Establishes Board of Adjustment approval procedures, with an up to date process.	17.70(7)
17.80	Appeals	Establishes procedures for appealing to the Board of Adjustment.	17.70(5)
17.81	Variances	Establishes procedures for requesting variances from the Board of Adjustment.	17.70(5)
17.82 to 17.100	Reserved.		
5	Use Regulations	[WILL ADD ADDITIONAL USES FROM NOTES AND ZONING ORDINANCE]	
17.101	Generally	Explains intent of chapter - i.e., to add supplemental regulations, to clarify issues relating to uses (for example, permitted accessory uses), and to implement state and federal law regarding certain uses.	
17.102	Accessory Structures & Uses	Clarifies uses that are considered accessory, and standards for setbacks or other factors.	17.12 and district regulations
17.103	Adult Businesses	Carries forward existing regulations.	17.20 Adult Entertainment Overlay District
17.104	Animal Feeding Operations	Establishes setbacks and related standards for livestock structures and waste treatment facilities.	17.12(12) – (15) and district regulations.
17.105	Conservation Design Subdivision and Development	Consolidates and simplifies zoning and subdivision standards for Conservation Design.	17.21 Conservation Design Development Overlay District
17.106	Fences and Walls		New
17.107	Home Occupies	Carries forward modified version of current standards.	17.155 Home Occupations Overlay District
17.108	Housing	Establishes standards for multi-family dwellings, tiny houses, manufactured homes, and accessory dwellings.	
17.109	Kennels	Carries forward with modifications standards for commercial kennels.	17.12(15)
17.110	Short-Term Rentals	New	
17.111	Signs	Carries forward and reorganizes standards for clarity.	17.65 Sign Regulation
17.112	Telecommunications Facilities	Carries forward existing regulations.	17.50 St. Croix County Mobile Tower Siting
17.113	Temporary Structures and Uses	Consolidates standards for temporary structures and uses such as campers.	17.70(3)(c).2
17.114 to 17.140	Reserved.		
6	Nonconformities & Vested Rights	This is a comprehensive chapter to deal with existing situations, ranging from permits in progress to more comprehensively addressing different types of nonconformities (uses, lots, structures, and standards).	
17.141	Generally	Carries forward continuation with existing restrictions on expansion, extension, enlargement, repair, and abandonment. Includes purpose statement for Article.	17.70(4)
17.142	Nonconforming uses	Establishes rules for the continuation, expansion, and reestablishment of uses that are not allowed in the district, or that would require discretionary review under the new regulations.	17.70(4)
17.143	Nonconforming lots	Allows the reasonable development of a lot that does not meet the minimum lot size regulations.	17.70(4)
17.144	Nonconforming structures	Establishes rules for the continuation, expansion, alteration and reestablishment of structures that are nonconforming as to the district dimensional standards (setback, building height, or coverage).	17.70(4)

Appendix A: Annotated Outline | *Draft Outline*

Subchapter / Section	Title	Description / Comments	Existing Codification (County Code of Ordinances)
17.145	Nonconforming site improvements	Establishes rules for the review and redevelopment of sites that are nonconforming as to building design, landscaping, parking, or other development standards.	17.70(4)
17.146	Applications and Projects in progress	Establishes rules to process applications filed before the effective date of this ordinance or an amendment that protect vested rights under Wisconsin law.	17.70(4)
17.147 17.154	- Reserved.		
7	Enforcement		
17.155	Generally	Introductory section	17.71
17.156	Violations	Establishes types of violations (e.g., use not allowed, permits not obtained, violation of conditions, etc.)	17.71
17.157	Penalties	Establishes procedures for withholding or revoking permits, and penalties for violations consistent with state law.	17.71
17.158	Enforcement Procedures	Establishes responsibility for enforcement actions, notification, cure periods, and enforcement actions.	17.71
17.159	Revocation of Permit or Approval	Allows revocation of permit if incorrect materially information was provided, or if the applicant fails to comply with a condition.	17.71
17.160 17.164	- Reserved.		
8	Agencies		
17.165	Generally	New	
17.166	Zoning Administrator	Establishes office of Zoning Administrator and its responsibilities.	17.70(2)
17.167	Planning Committee	Establishes Parks, Planning and Zoning Committee, appointment procedures, and its responsibilities.	
17.168	Board of Adjustment	Establishes Board of Adjustment, appointment procedures, and its responsibilities.	17.70(5)
17.169 17.174	- Reserved.		
9	Definitions & Rules of Interpretation		
17.175	General rules of interpretation	Recites general rules for interpreting the ordinance (such as the singular includes the plural, text supersedes graphics, etc.)	17.03 Interpretation
17.176	Definitions	Establishes definitions for terms and phrases used in the ordinance.	17.09 Definitions
17.177	Interpretation of Zoning Map	Includes rules for interpreting the zoning map, including GIS files and boundary interpretations.	17.08 Determination of District Boundaries
17.178	Conflicting Rules	Describes how to resolve conflicts in County ordinances, with state law or administrative procedures, or federal law.	17.05 Abrogation and Greater Restrictions
17.179 17.184	- Reserved.		
10	Legal Provisions		
17.185	Relationship to Other Provisions of the County Code	Provides that the higher provision controls, with explanations relating to maximum setbacks, parking, landscaping, and related provisions in centers where standard that results in less land consumption may control.	
17.186	Zoning of Townships	Establishes how townships are zoned, based on state law	17.06 Relationship to Town Ordinances and Powers
17.187	Private Restrictions	Indicates that this ordinance does not supersede private restrictions.	
17.188	Severability	Provides that any declaration of invalidity only affects the provision declared invalid.	17.04 Severability
17.189	Repeal of existing ordinance	Provides that that zoning and subdivision regulations in effect prior to the effective date of the new ordinance are repealed.	
17.190	Effective Date	Establishes effective dates for the zoning and subdivision regulations consistent with state law.	17.07 Effective Date

Appendix A: Annotated Outline | *Draft Outline*

Subchapter / Section	Title	Description / Comments	Existing Codification (County Code of Ordinances)
17.191 to 17.194	Reserved.		
11	Submittal Requirements		
	Generally	Introductory section	
17.195	Technical Studies	Establishes authority for decision maker to require technical studies (eg floodplain delineation, traffic impact) where needed.	17.70(8)
17.196	Digital applications	Establishes requirements and specifications for filing digital applications.	
17.197	Application Checklists	This will include a matrix that summarizes the contents of each type of application.	
17.198	Fees		